



Office of Professional Accountability Review Board (OPARB)

Minutes of Wednesday, March 3, 2010 Meeting
11:30 a.m. – 1:30 p.m.

Patrick Sainsbury, Chair:	P	Steve Freng, Member:	P
Tina Bueche, Member:	AE	Martha Norberg, Member:	P
George Davenport, Member:	P*	David Wilma, Member:	P
Sharon Dear, Member:	AE	Michael Pendleton, Consultant:	P

*(Absent = A, Present = P, Excused = E, * = by phone)*

Guest(s): Kathryn Olson, OPA Director

Minutes: The minutes of the February 18, 2010 meeting were approved.

2010 NACOLE Conference: Kathryn reported that the NACOLE board continues to review submissions for conference topics and speakers. The Board needs to approve the conference schedule, and then coordinate schedules with speakers. While it's now too late to submit ideas for conference topics, suggestions will still be taken for speakers.

Police Chief Search Committee: The process is ongoing and on schedule.

Appendix E Update: Kathryn and Pat have an appointment March 22 with the Joint Labor-Management Committee, and will report back to the board at April's first meeting.

Seattle Women's Commission: The Commission is a board of 21 people who meet on the 3rd Monday of the month in the Boards & Commissions room from 5:30 – 7:30 p.m. They would like OPARB members to come to their next meeting to strategize on the issue of SPD officers and training specific to DV issues. Their next meeting is March 15 and Steve, Martha, Pat, and George all expressed an interest in attending. Kathryn will find out who is the most appropriate SPD training contact to refer to the Board, and provide that name to Pat prior to the March 15 meeting. Pat will work with Marta Idowu, staff liaison for the Commission, to arrange the meeting.

Michael Pendleton Contract: Pat asked Councilmember Burgess' office for guidance. They advised him to seek another waiver. This issue will be placed on the calendar to be addressed by seeking a waiver in August/September.

OPARB's Input to Police Chief Search Committee: David added a bullet to his draft response to ask candidates to address race-based policing. He also added a statement about the things that SPD is doing well, based upon our outreach. All present agreed to adopt this version as final. David will post his response to the police search website where they've requested input. He will also email the Board's response to each person on the police chief search team.

Criminal Investigation Report: The drafting group has agreed on the final language. There is an issue regarding one of the sample cases included in the appendix. There was substantial discussion about that particular case. It will be deleted from the report so it can be finalized. David will circulate this latest draft and a vote will be taken on the final version at the March 18 meeting.



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Work Group Reports: Steve and Martha are waiting for an appointment with Clark Kimerer. They have developed many resources nationally on the issue of homelessness and law enforcement, including the National Law Center on Homelessness, which effects litigation. Locally, SHARE/WHEEL has committee meetings and receives and reviews grievances. In the Seattle Times today was an article about SPD investigating an organization that sends newly-released inmates out to panhandle at least \$30/day in exchange for housing. The Malcolm Gladwell article on homelessness was mentioned, available at http://www.gladwell.com/2006/2006_02_13_a_murray.html.

Pat asked a City labor lawyer to review the 180 day report and met with him earlier today. Pat will prepare a new draft of the report for comment.

OPA Complaint Classification System: Kathryn reported that OPA has been slightly reorganized. Instead of having a captain and a lieutenant, they now have two lieutenants. Captain Tag Gleason has become the Ethics Officer.

Kathryn talked with the Board about contact logs, PIR's, SIR's, IS's, in order of least serious to most serious. All contacts are classified. Intake contacts are received by a sergeant or acting sergeant, who gathers enough initial information to allow for a preliminary classification. A lieutenant proposes the initial classification, and moves the case to Kathryn and Michael Spearman for review and final decision. There is no requirement to notify an employee of a CL or PIR. The SPOG labor contract requires that OPA notify the employee within five days of receiving a complaint of misconduct about the employee, and within thirty days if the complaint is to be investigated by OPA-IS or will be handled as a Line Investigation.

A contact log is simply a notation made when someone calls in requesting information, requires a referral, or needs other assistance not involving allegations of officer misconduct. If it's not an issue that is appropriate to OPA, it goes no further, though record of the call is made.

A PIR (Preliminary Investigative Report) is where the lowest level issues are addressed. These are cases that do not involve misconduct, are handled at a very low level, and are not investigated. Follow-up or looping back by the named employee's supervisor may be requested on these cases, but it's not mandatory, as it is in more serious classifications.

The next classification, SR, or Supervisory Referral, is a referral to the officer's supervisor for informal investigation and complaint resolution. Generally, the officer's supervisor calls the complainant and tries to work things out at that level (an informal mediation). The case may also be sent through the formal mediation program at OPA. These cases must be signed off at the precinct commander level (or his designee), and there is a mandatory feedback loop, where the case goes back to Kathryn after the SR action is completed. At a minimum, the supervisor will discuss the allegations with the named employees after speaking to the complainant, and provide training or counseling as needed. The Auditor can also review SRs if desired. There is no formal training for supervisors about SR's, although most reviews show that supervisors handle cases appropriately. Not all departments have this classification. Austin TX adopted it about a year ago, and San Jose CA recently inquired about it.

An LI, or line investigation, is investigated by a commander, usually a lieutenant. There is an actual investigation just like an OPA-IS investigation, with notice to the employee and *Garrity* warnings. Testimony is taken and transcribed, and all investigation procedures are followed. This is handled on the precinct level, all proceedings are open and on the record, discipline is



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possible, and formal findings are made. There is a disciplinary review process, and findings are sent to the OPA Director, who makes a final decision on whether discipline should be sought. If the line commander or OPA Director recommend a sustained finding, the same procedures following a sustained OPA-IS investigation would take place.

An IS, or Investigation Section classification, requires a full investigation by OPA. The Chief gets copies of everything at this level, although he may delegate review to one of his staff. The Chief is not involved in the classification decisions, but receives the copies for use in determining issues such as whether to suspend an officer or take the officer off the officer's regular assignment until the complaint is resolved. He would also be informed if the matter is referred for a criminal investigation. The Chief may also use the copy as a reminder to follow up on progress of the OPA investigation.

Cases of note, regardless of classification, are discussed with the chief on a bi-weekly basis.

When complaints that are received arise from an officer's off duty work, OPA automatically checks to determine whether the officer has a valid work permit for that job. If the officer does not, that is a violation. This is one of the things that leads to SPOG complaining that OPA "expands" complaints.

Complaint Classification System, Continued: The group agreed to discuss any future concerns about the complaint classification system at another meeting. They want to ensure that they fully understand the system. They then plan to move on to focus on the finding classification scheme.

The meeting was convened at 11:40 a.m. and adjourned at 1:40 p.m.

Notes taken by Nancy Roberts.

The next meeting will be held on March 18, 2010 at 5:30 p.m. in Room 370, City Hall.